

Excerpts
Planning Commission Minutes
November 10, 2004

Application No. UP-651-04, Holiday Chevrolet-Cadillac, Inc.: Request for a Special Use Permit pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 12, No. 5) to authorize the use of property located at 817 Merrimac Trail as a temporary automobile sales display lot for approximately 80 vehicles. The applicant proposes to display vehicles on this site during the construction of improvements to the primary dealership location at 543 Second Street. The vehicle display area would be established on the existing asphalt parking area at this site. The applicant does not intend to occupy the existing building on the site.

Mr. J. Mark Carter, Assistant County Administrator, made a presentation summarizing the report to the Commission dated October 26, 2004 in which the staff recommended approval.

Mr. Staton inquired as to whether any comments were received from the York County School Division and **Mr. Carter** said staff had notified the School Division and received no response.

Mr. Hamilton asked if the applicant proposes any type of signage, to which **Mr. Carter** noted that no signage would be permitted under the proposed use permit conditions nor does the applicant want to advertise this proposed lot since it will function only as a display lot for overflow inventory while a portion of the main dealership lot at 543 Second Street is being used by construction crews. In reply to **Mr. Barba**, **Mr. Carter** said the existing building on the proposed lot will not be occupied nor will the lot be staffed except by personnel moving display vehicles in and out as needed.

Vice Chair Ptasznik opened the public hearing.

Mr. Art Hudgins, Holiday Chevrolet-Cadillac, Inc., 543 Second Street, Williamsburg, agreed with **Mr. Carter's** remarks that no signage would be used nor would any personnel staff the proposed display lot.

Mr. Ptasznik closed the public hearing.

Mr. Davis observed that in some jurisdictions a property that remains vacant for a long period of time could forfeit its zoning rights but that does not appear to be the case.

Mr. Hamilton inquired about lighting the subject lot, and **Mr. Carter** explained that existing streetlights cast a dim glow but no additional lighting will be used.

Mr. Hamilton moved to adopt proposed Resolution PC04-30(R).

PC04-30(R)

4. Prior to occupying the site the applicant shall present evidence to the Division of Development and Compliance that the site is properly licensed by the Motor Vehicle Dealer Board as an ancillary facility to the primary dealership location at 543 Second Street.
5. The subject site shall be used solely for the display of new vehicles for sale. No used/pre-owned vehicles shall be displayed on the site.
6. There shall be no free-standing or building mounted signage allowed in conjunction with the use.
7. Vehicles shall not be displayed/parked on the south side of the existing building or within 20 feet of the front property line or 10 feet of the side (northern) property line. All vehicles shall be displayed/parked on the existing asphalt surface on the site.
8. Vehicles shall not be unloaded (or loaded) from car carriers/trailers at this site. No vehicle washing, servicing or similar activities shall be permitted on this site.
9. Prior to occupying the site, the applicant shall be responsible for installing landscaping in the existing grassed island in front of the property. Such landscaping shall consist of a minimum of two (2) Weeping Cherry trees and six (6) shrubs.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On motion of Mr. Hamilton, which carried 5:0 (Harvell and Simasek absent), the following resolution was adopted:

**A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE AN AUTOMOBILE SALES DISPLAY LOT AT 817 MERRIMAC
TRAIL**

WHEREAS, Holiday Chevrolet-Cadillac, Inc. has submitted Application No. UP-651-04 to request a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance, to authorize an automobile sales display lot on property located at 817 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 10-35; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 10th day of November, 2004, that Application No. UP-651-04 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance, to allow an automobile sales display lot on property located at 817 Merrimac Trail (Route 143) and identified as Assessor's Parcel No. 10-35, subject to the following conditions:

1. This use permit shall authorize establishment of an automobile sales display lot on property located at 817 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 10-35.
2. The automobile sales display lot shall be arranged and located on the site in substantial conformance with the sketch plan submitted by the applicant in conjunction with this application, received on October 5, 2004, and made a part hereof by reference. Prior to occupying the site, the applicant shall be responsible for filing a site plan conforming to the requirements and procedures of the York County Zoning Ordinance.
3. The Special Use Permit authorizing use of this site for an automobile sales display facility shall be limited to a term coinciding with authorized construction activity associated with the expansion of the primary Holiday Chevrolet-Cadillac dealership facility located at 543 Second Street, or expiring ~~on November 1, 2005~~, one (1) year from the date of site plan approval for that facility, -whichever occurs first. All vehicles shall be removed from the subject property prior to the expiration of the Special Use Permit or prior to the issuance of the Certificate of Occupancy for the expanded primary dealership location, whichever occurs first.